

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14907 of the Bureau of Rehabilitation of the National Capital Area, Inc., pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Sub-section 357.1 for an adult rehabilitation home and a variance to allow an increase from 28 to 35 persons in an adult rehabilitation home in an R-5-B District at premises 1301 Clifton Street, N.W., (Square 2866, Lot 51).

DISPOSITION: The Board GRANTED the application by a vote of 4-0 (Charles R. Norris, John G. Parsons, Paula L. Jewell and William F. McIntosh to grant; Carrie L. Thornhill not voting, not having heard the case).

FINAL DATE OF ORDER: May 12, 1989

ORDER

The Board granted the application by its Order, dated May 12, 1989, subject to the condition that the approval be limited to four years to allow the Board to monitor the impact of the facility on adjoining and nearby properties. On May 25, 1989, Larry Ewers, a party in opposition to the application, filed a timely motion for reconsideration of the Board's decision. The bases for the motion for reconsideration were that the applicant had failed to meet the burden of proof, that the proposed facility would have an adverse impact on adjacent and nearby properties, and that the Board was biased in favor of the applicant. There was no response to the motion for reconsideration.

Upon consideration of the motion, the evidence of record and its final order, the Board concludes that it has made no error in deciding the application. The motion merely seeks to reargue the case presented by the opposition at the Public Hearing and considered by the Board in reaching its decision. The motion raises no new issues which could not reasonably have been presented at the Public Hearing. The Board has duly considered the opposition's arguments. The Board's decision was based on its consideration of all the evidence presented by both the applicant and the opposition. The fact that the Board and the opposition arrived at different conclusions does not make the decision of the Board arbitrary, capricious or unlawful. Accordingly

it is ORDERED that motion for reconsideration of the Board's decision is DENIED.

DECISION DATE: June 7, 1989

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell and William McIntosh to deny; John G. Parsons to deny by proxy; Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

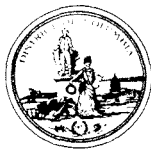

EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: SEP 22 1989

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14907order/BHS10

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT




APPLICATION No. 14907

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated SEP 22 1989, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Decatur W. Trotter
1301 Clifton Street, N.W.
DC 20009

Larry Ewers
1205 Clifton Street, N.W.
DC 20009

Stanley J. Mayes, Chairperson
Advisory Neighborhood Commission 1-B
519 Florida Avenue, N.W.
Washington, D.C. 20001



EDWARD L. CURRY
Executive Director

DATE: SEP 22 1989